IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11089 of 2004

Between:

Bitla Murali S/o.Narayana
President, Mandal Praja Parishad Yellareddy, Nizamabad Dist. R/o.Satelli Vg. Yellareddy Mandal, Nizamabad Dist.

..... PETITIONER

AND

1 The Revenue Divi.officer, Kamareddy, Nizamabad Dist.
2 Chenna Sathish, S/o.Pandurangam, MPTC Yellareddy, R/o.Gandhi Chowk, Yellareddy Vg. & Mandal, Nizamabad Dist. IQP.
3 Mudam Pochavva, W/o.Srinivas, MPCT Adivilingal, R/o.axmapur vg.Yellareddy (M), Nizamabad Dist.
4 Chilka Venkavva, W/o.Vittal, MPTC, Annasagar, R/o.Thimmareddy vg., Yellareddy (M), Nizamabad Dist.
5 Bandargalla Hanmavva, W/o.Veeraiah, MPTC Bhicknoor R/o.Bhicknoor Vg.,Yellareddy Mandal, Nizamabad Dist.
6 Govind Azmeera, S/o.Ganya, MPTC Gandimasanipet, R/o.Kottapally Vg.Yellareddy(M), Nizamabad Dist.
7 Chinnaballi Samuel, S/o.not Known R/o.Kalyani Vg.,Yellareddy (M), Nizamabad Dist.
8 Pattem Ramchander, S/o.Laxmaiah, MPTC Repalliwada, R/o.Dalmalkapally Vg., Yellareddy (M), Nizamabad Dist.
9 Gayajuddin, S/o.Fayazuddin R/o.Behind Fase call office, Yellareddy, Vg.,& Mandal, Nizamabad Dist.
10 Gandla Vittal, S/o.not known,

R/o.Vellatlapeta Vg., Yellareddy (M), Nizamabad Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of Certiorari cal for the records relating to the Notice in Form-II of the respondents 2 to 10 herein and also the Notice issued by the respondent No.1 herein vide No. A5/1008/04, dt.16-6-2004 and quash the same by duly declaring the Notice of intention submitted by the respondents 2 to 10 herein in Form-II and also the initiation of proceedings by the first respondent by issuing Notice in Form-V vide No.A5/1008/04, dt.16-6-2004 are quite contrary to the provisions of sec.245(1) of A.P.Panchayat Raj Act R/W Rules 2 & 3 of the Rules made thereunder.

Counsel for the Petitioner : MR.V.RAVI KIRAN RAO

Counsel for the Respondent No.1 : GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT.

Counsel for the Respondent No.2 : MR. K.M.MAHENDRA REDDY

Counsel for Respondents No.3 to 10 : None appeared.

The Court made the following :

O R D E R:

Heard the learned Counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development and with their consent the Writ Petition itself is taken up for final disposal at the admission stage.

The writ petition has been filed by the petitioner, seeking to declare the notice of intention submitted by respondents 2 to 10 in Form-II and the consequent notice issued by the first respondent in Form-V vide No.A5/1008/04, dated 16-6-2004, initiating No-confidence motion against the petitioner, as contrary to the provisions of Section 245(1) of A.P. Panchayat Raj Act (for short "the Act") and to quash them.

The petitioner alleges that he is elected President of Mandal Praja Parishad, Yellaredy, Nizamabad District. Respondents 2 to 10, who are members of the Mandal Parishad, in order to move a No-confidence motion against the petitioner, submitted a notice of intention, dated 16-2-2004 in Form-II as required under Section 245(1) of the Act read with Rule 2 of the Rules made thereunder, to the first respondent, who without verifying its legality, initiated action under Section 245(1) of the Act read with Rule 3 of the Rules made thereunder by issuing Notice in Form-V, dated 16-6-2004. According to the petitioner, the submission of notice of intention by respondents 2 to 10 in Form-II without enclosing the proposed motion thereto is defective and contrary to the mandatory procedure prescribed under Section 245(1) of the Act read with Rule 2 of the Rules made thereunder, and consequently the notice issued by the

first respondent in Form-V, dated 16-6-2004 without the copy of proposed resolution is bad in law. Hence, the writ petition to quash the impugned proceedings.

The learned Government Pleader for Panchayat Raj and Rural Development sought time for getting instructions and for producing the original record. However, this Court on 01-07-2004 issued an interim direction to the effect that the meeting of the no-confidence motion as scheduled may go on, but the result should not be declared.

Today when the matter came up for hearing, the Government Pleader produced the original file and it is revealed from the said file that the members of the Mandal Praja Parishad, Yallareddy submitted their proposed motion along with Form-II to the first respondent-Revenue Divisional Officer. In view of the same, the contention raised by the petitioner that respondents 2 to 10 submitted notice of intention in Form-II to the first respondent without enclosing the proposed motion of the members, has no substance.

Therefore, the writ petition is dismissed. No costs. It is made clear that the respondents are at liberty to declare the motion result.

Sd/- M.A.Nayeem Pasha
ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1. The Revenue Divisional Officer, Kamareddy, Nizamabad Dis.t
2. 2CCs to GP for Panchayat Raj & Rural Development, High Court of A.P. Hyderabad (OUT).
3. 2CD Copies